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QUARLES & BRADY LLP
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-2391

EXAMINER
FIELDS, BENJAMIN S

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/629,784
Filing Date: July 29, 2003
Appellant(s): KNOWLES ET AL.

Robert D. Atkins (Reg. No. 34,288)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 July 2008 appealing from the Office action mailed 19 March 2008.

(1) Real Party of Interest

A statement identifying by name the real party of interest is contained in the brief.

(2) Related Appeals and Interferences

Appellant currently has an appeal pending for related application number 10/370,676. There are no interferences pending related to the present application.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

NEW GROUND(S) OF REJECTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-5, and 7-24 are rejected under 35 U.S.C. 101 because the claimed invention is not directed to a secondary statutory subject matter/class.

Based on Supreme Court precedent [*See Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)*] and recent Federal Circuit decisions, § 101 methods/processes must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing [*The Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advances. Gottschalk v. Benson, 409 U.S. 63, 71 (1972)*]. If neither of these requirements is met by the claim(s), the method is not a patent eligible process under 35 U.S.C. § 101.

Thus, Claims 1-5, and 7-24 are rejected under the basis as is mentioned supra.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,134,564	Dunn	7-1992
5,842,185	Chancey et al.	11-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-5 and 7-24 are rejected under 35 U.S.C. 102(b) as being anticipated by

Dunn et al. (US Pat. No. 5,134,564), [hereinafter Dunn].

Referring to Claim 1: Dunn shows a method of reconciling financial transactions

(Dunn: Abstract), comprising: receiving transaction data from a bank (Dunn: Abstract);

storing a copy of the transaction data in a data source (Dunn: Figures 1, 2); transmitting

the transaction data to a credit card association (Dunn: Column 2, Line 56-Column 3,

Line 35); receiving a first statement of financial transactions generated according to a

first set of rules from the credit card association (Dunn: Column 3, Lines 41-50//Dunn

teaches a computer aided reconciliation system and method which receives a first

statement to be reconciled within the system//); retrieving the copy of the transaction

data from the data source; generating a second statement of financial transactions from

the copy of the transaction data using a second set of rules consistent with the first set

of rules used to generate the first statement of financial transactions (Dunn: Column 3,

Lines 41-50//Dunn teaches a computer aided reconciliation system and method which

receives a secondary statement to be reconciled within the system//); and comparing

the second statement of financial transactions to the first statement of financial

transactions to identify discrepancy between the first statement of financial transactions

and the second statement of financial transactions, the discrepancy including different

total transaction amounts resulting from the first set of rules and second set of rules

using different exchange rates (Dunn: Column 3, Lines 41-50, 50-53//Dunn teaches a

computer aided reconciliation system and method which compares both the first and second statement in order to identify a discrepancy between the two statements//).

Referring to Claim 2: Dunn discloses a method, wherein the step of comparing the second statement of financial transactions to the first statement of financial transactions includes comparing a first value from the first statement of financial transactions with a second value from the second statement of financial transactions to determine a difference between the first value and the second value (Dunn: Column 3, Lines 50-65; Column 6, Lines 55-60//The system of Dunn determines the difference between the two statements within//).

Referring to Claim 3: Dunn teaches a method, wherein the step of comparing the second statement of financial transactions to the first statement of financial transactions further includes identifying causation of the discrepancy between the first statement of financial transactions and the second statement of financial transactions (Dunn: Column 3, Line 65-Column 4, Line 12; Column 6, Lines 60-63//Dunn discusses a system and method which identifies the reason as to why [causation] the discrepancy within the system occurred//).

Referring to Claim 4: Dunn discusses a method, wherein the step of identifying causation of the discrepancy between the first statement of financial transactions and the second statement of financial transactions includes evaluating a list of possible errors (Dunn: Column 4, Line 19-27; Column 6, Lines 63-65//The system of Dunn identifies possible errors which may have cause the system to create a discrepancy//).

Referring to Claim 5: Dunn shows a method further including instituting correction action upon identifying discrepancy between the first statement of financial transactions and the second statement of financial transactions (Dunn: Column 3, Lines 51-58; Column 4, Line 43-Column 5, Line 10//Dunn teaches a system which takes measures in order to counteract the discrepancy caused within//).

Referring to Claim 7: Dunn teaches a method, wherein the second set of rules is compiled from the first set of rules such that the second statement of financial transactions simulates the first statement of financial transactions and generates similar results given similar data input (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a secondary statement to be reconciled within the system, where the secondary system is consistent with the original – first statement (the rules governing each statement are inherent within the system)//).

Referring to Claim 8: Dunn discusses a method, wherein the second statement of financial transactions is generated by a third party service provider (Dunn: Column 3, Lines 41-51//Dunn discloses a 'third party' vendor which can generate a secondary statement//).

Referring to Claim 9: Dunn shows a method, wherein the second statement of financial transactions is generated on a per transaction basis (Dunn: Column 3, Lines 41-60//The system of Dunn teaches that, without an original 'first statement', there could not be a secondary statement which are compared to be reconciled – in effect, the generation occurs on a per transaction basis//).

Referring to Claim 10: Dunn discloses a method of performing account reconciliation of financial transactions, comprising: receiving transaction data from a first financial institution (Dunn: Column 2, Line 56-Column 5, Line 29); storing a copy of the transaction data in a data source; transmitting the transaction data to a second financial institution; receiving a first statement of financial transactions generated according to a first set of rules from the second financial institution (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a first statement to be reconciled within the system//); retrieving the copy of the transaction data from the data source; generating a second statement of financial transactions from the copy of the transaction data using a second set of rules (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a secondary statement to be reconciled within the system//); comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions, the discrepancy being selected from the group consisting of differing total transaction amounts, differing interchange fees, differing exchange rates, differing amounts of a single transaction, differing transaction dates, and differing transaction merchants (Dunn: Column 3, Lines 41-50, 50-53//Dunn teaches a computer aided reconciliation system and method which compares both the first and second statement in order to identify a discrepancy between the two//); and determining causation of the discrepancy between the first statement of financial transactions and the second statement of financial transactions

(Dunn: Column 3, Line 65-Column 4, Line 12; Column 6, Lines 60-63//Dunn discusses a system and method which identifies the reason as to 'causation' the discrepancy within the system occurred//).

Referring to Claim 11: Dunn teaches a method, wherein the step of comparing the second statement of financial transactions to the first statement of financial transactions includes comparing a first value from the first statement of financial transactions with a second value from the second statement of financial transactions to determine a difference between the first value and the second value (Dunn: Column 3, Lines 50-65; Column 6, Lines 55-60//The system of Dunn determines the difference between the two statements within//).

Referring to Claim 12: Dunn discusses a method, wherein the step of determining causation of the discrepancy between the first statement of financial transactions and the second statement of financial transactions includes evaluating a list of possible errors (Dunn: Column 4, Line 19-27; Column 6, Lines 63-65//The system of Dunn identifies possible errors which may have cause the system to create a discrepancy//).

Referring to Claim 13: Dunn shows a method further including instituting correction action upon identifying discrepancy between the first statement of financial transactions and the second statement of financial transactions (Dunn: Column 3, Lines 51-58; Column 4, Line 43-Column 5, Line 10//Dunn teaches a system which takes measures in order to counteract the discrepancy caused within//).

Referring to Claim 14: Dunn discloses a method, wherein the second set of rules is consistent with and compiled from the first set of rules such that the second statement of financial transactions simulates the first statement of financial transactions and generates similar results given similar data input (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a secondary statement to be reconciled within the system, where the secondary system is consistent with the original – first statement (the rules governing each statement are inherent within the system)//).

Referring to Claim 15: Dunn teaches a method, wherein the second statement of financial transactions is generated on a per transaction basis (Dunn: Column 3, Lines 41-60//The system of Dunn teaches that, without an original 'first statement', there could not be a secondary statement which are compared to be reconciled – in effect, the generation occurs on a per transaction basis//).

Referring to Claim 16: Dunn discusses a credit card processing system comprising a data processing center having a communication link to a bank to receive transaction data (Dunn: Figures); a data source for storing a copy of the transaction data; a communication link to a credit card association (Dunn: Abstract; Column 1, Lines 55-64; Column 3, Lines 25-52; Column 5, Line 55-Column 6, Line 4//The system of Dunn is capable of receiving transaction from various means, one of which is a credit card affiliate/association//) to receive a first statement of credit card transactions generated using a first set of rules, wherein the data processing center retrieves the copy of the transaction data from the data source and generates a second statement of

credit card transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of credit card transactions and compares the second statement of credit card transactions to the first statement of credit card transactions to identify discrepancy between the first statement of credit card transactions and the second statement of credit card transactions (Dunn: Column 3, Lines 41-50, 50-53//Dunn teaches a computer aided reconciliation system and method which compares both the first and second statement in order to identify a discrepancy between the two statements//).

Referring to Claim 17: Dunn shows a credit card processing system, wherein the data processing center identifies causation of the discrepancy between the first statement of credit card transactions and the second statement of credit card transactions (Dunn: Column 3, Line 65-Column 4, Line 12; Column 6, Lines 60-63//Dunn discusses a system and method which identifies the reason as to why [causation] the discrepancy within the system occurred//).

Referring to Claim 18: Dunn discloses a credit card processing system, wherein the data processing center identifies the causation of the discrepancy between the first statement of credit card transactions and the second statement of credit card transactions by evaluating a list of possible errors (Dunn: Column 4, Line 19-27; Column 6, Lines 63-65//The system of Dunn identifies possible errors which may have cause the system to create a discrepancy//).

Referring to Claim 19: Dunn teaches a credit card processing system, wherein the data processing center recommends correction action upon identifying discrepancy

between the first statement of credit card transactions and the second statement of credit card transactions (Dunn: Column 3, Lines 51-58; Column 4, Line 43-Column 5, Line 10//Dunn teaches a system which takes measures in order to counteract the discrepancy caused within//).

Referring to Claim 20: Dunn discusses a credit card processing system, wherein the second set of rules is compiled from the first set of rules such that the second statement of credit card transactions simulates the first statement of credit card transactions and generates similar results given similar data input (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a secondary statement to be reconciled within the system, where the secondary system is consistent with the original – first statement (the rules governing each statement are inherent within the system)//).

Referring to Claim 21: Dunn shows a computer based system for reconciling financial transactions, comprising: means for receiving transaction data from a bank; means for storing a copy of the transaction data in a data source; means for transmitting the transaction data to a credit card association; means for (Dunn: Figure 3; Column 7, Lines 5-23//Here, Dunn teaches a means for the system described supra at Claims 1, 3, and 5//) receiving a first statement of financial transactions generated according to a first set of rules from the credit card association (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a first statement to be reconciled within the system//); means for retrieving the copy of the transaction data from the data source; means for generating a second statement of

financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a secondary statement to be reconciled within the system//); and means for comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions (Dunn: Column 3, Lines 41-50, 50-53//Dunn teaches a computer aided reconciliation system and method which compares both the first and second statement in order to identify a discrepancy between the two statements//).

Referring to Claim 22: Dunn discloses a computer based system further including means for (Dunn: Figure 3; Column 7, Lines 5-23//Here, Dunn teaches a means for the system described supra at Claims 1, 3, and 5//) identifying causation of the discrepancy between the first statement of financial transactions and the second statement of financial transactions (Dunn: Column 3, Line 65-Column 4, Line 12; Column 6, Lines 60-63//Dunn discusses a system and method which identifies the reason as to why [causation] the discrepancy within the system occurred//).

Referring to Claim 23: Dunn teaches a computer based system further including means for (Dunn: Figure 3; Column 7, Lines 5-23//Here, Dunn teaches a means for the system described supra at Claims 1, 3, and 5//) instituting correction action upon identifying discrepancy between the first statement of financial transactions and the second statement of financial transactions (Dunn: Column 3, Lines 51-58; Column 4,

Line 43-Column 5, Line 10//Dunn teaches a system which takes measures in order to counteract the discrepancy caused within//).

Referring to Claim 24: Dunn discusses a computer based system (Dunn: Figure 3; Column 7, Lines 5-23//Here, Dunn teaches a computerized system and method for reconciliation//), wherein the second set of rules is compiled from the first set of rules such that the second statement of financial transactions simulates the first statement of financial transactions and generates similar results given similar data input (Dunn: Column 3, Lines 41-50//Dunn teaches a computer aided reconciliation system and method which receives a secondary statement to be reconciled within the system, where the secondary system is consistent with the original – first statement (the rules governing each statement are inherent within the system)//).

(10) Response to Argument

Appellants argue:

1. Claim 1 is patentable over prior art reference Dunn

The Final Office Action rejected claim 1 under 35 U.S.C. 102(b) as being unpatentable over Dunn. Appellants respectfully traverse the rejection and submit the following arguments in favor of reversal of the rejection and allowance of the claim. In Appellants' response dated February 1, 2008, claim 1 was amended to more clearly distinguish over the prior art references. Claim 1 recites a method of reconciling financial transactions comprising receiving transaction data from a bank, storing a copy of the transaction data in a data source, and transmitting the transaction data to a credit card association. The method includes receiving a first statement of financial transactions generated according to a first set of rules from the credit card association, retrieving the copy of the transaction data from the data source, and generating a second statement of financial transactions from the copy of the transaction data using a second set of

rules consistent with the first set of rules used to generate the first statement of financial transactions. The method includes comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions. The discrepancy includes different total transaction amounts resulting from the first set of rules and second set of rules using different exchange rates. In the Office Action, the Examiner asserts that claim 1 is anticipated by the Dunn reference. The Dunn reference describes a system and method for reconciling a list of records generated by a bank and a second list of records provided by a bank customer. In the system, an individual or merchant first uses a computer system to maintain a record of financial transactions. Column 6, lines 28-31.   After executing each transaction, the merchant transmits a record of the transaction to the merchant's bank. The merchant's bank receives the transaction and updates the merchant's account accordingly. Column 5, lines 55-58. Periodically, the bank transmits a statement to the merchant. The statement includes a summary listing of all transactions received by the bank and shows changes to the merchant's account based upon those transactions. Column 5, lines 61-66. In the Dunn reference, the reconciliation system retrieves both the merchant's own transaction records and the listing provided by the bank, and then compares the transaction records to find discrepancies. Column 6, lines 58-61. If a discrepancy is found, the system "displays a bank statement record on a screen along with the closest match found. The user chooses among several potential courses of action to resolve the discrepancy." Column 7, lines 61-64. Accordingly, the Dunn reference allows a merchant to compare its list of executed business transactions to a summary of the corresponding account transactions performed by the merchant's bank. The system never performs additional analysis or modification of the transaction records during operation. Similarly, the system never accounts for differing rules used by either the merchant or the bank that may result in a transaction listing having different total amounts or including additional fees and charges. In the present system, however, the financial transaction data is received and manipulated in accordance with at least two different sets of rules before discrepancy analysis. In one embodiment, as supported by

the specification, the transaction data is transmitted to a credit card association. After receiving the transaction data, the credit card association modifies the data in accordance with a first set of rules. The credit card association's rules define how the association handles transactions and assesses various fees and charges related to the credit card services. For example, the rules may require that a particular fee be assessed if the volume of transactions performed by a particular customer is beneath a particular threshold. Alternatively, the rules may require the assessment of certain fees for the credit card association performing currency exchanges. After modification, as described in the specification, the resulting statement of financial transactions may include a listing of (l) sales of goods and services, (2) credits, (3) interchange fees, (4) charge-backs, and (5) representments. See page 47, line 33 - page 48, line 1. The system also generates a second statement of financial transactions by applying a second set of rules to the original transaction data. The second set of rules need not be provided by the credit card association, but is consistent with the published policies and practices of the credit card association and any contract agreement between the customer and the credit card association. Having received the first financial statement from the credit card association and having generated a second financial statement using a second set of rules, the system compares the two resulting financial statements to find discrepancies. In the present system, therefore, detected discrepancies include not only account credit and debit errors - the only errors detected by the Dunn system – but also discrepancies resulting from the credit card association failing to execute a transaction in accordance with its stated rules and policies, possibly by assessing inaccurate fees or service charges. Accordingly, the present system is configured to detect discrepancies resulting from more than just the clerical errors described by the Dunn reference. Unlike the Dunn reference, which only compares account debits and credits to a list of records maintained by an individual or merchant, the present system verifies the accurate assessment of non-transaction related fees and charges. By independently creating a statement of financial transactions using a rule set consistent with the published policies of the financial institution, the present system can verify that the financial institution is accurately operating in accordance with its own stated policies.

Even if the transactions (i.e., credits and debits) executed by the financial institution are accurate, errors may still exist in the form of incorrect exchange rates, inaccurate interchange fees, or inappropriate assessment of other operating or service charges. The Dunn reference cannot detect these errors. The Dunn reference never discloses the application of a set of rules to determine whether non-transaction-related fees have been correctly assessed. The Dunn reference can only verify that a particular debit or credit has been applied to a customer's bank account – it never inspects or otherwise detects discrepancies in other charges or fees. With specific reference to claim 1, the Dunn reference does not teach or suggest transmitting the transaction data to a credit card association and receiving a first statement of financial transactions generated according to a first set of rules from the credit card association. As discussed above, the Dunn reference only discloses receiving a listing of account transactions from a bank. See Abstract. In the reference, the bank never applies its own rules to the financial transaction data to generate a first statement of financial transactions. In fact, as described by the Dunn reference, the bank simply receives transactions from the individual or business and then debits or credits a bank account accordingly. As illustrated in FIG. 1 of the reference, the bank receives a listing of transactions and executes them. At the end of the statement cycle, the debits and credits applied to the individual or business's account are summarized in a summary statement and transmitted to the customer. See column 4, lines 55-66. As shown on FIG. 1, after executing and storing the records of bank account transactions, the summary is generated by simply extracting the same records that were originally received from the bank customer. See FIG. 1. Throughout the reference, the summary statement of the Dunn reference only summarizes the debits and credits applied to the customer's bank account. The summary statement never includes additional fees or service charges and is never generated through the application of a set of rules to the transaction data. Accordingly, at no time does the Dunn reference disclose the receipt of a first statement of financial transactions that are generated by the application of a first set of rules to transaction data as required by the present claim. The Dunn reference does not teach or suggest retrieving the copy of the transaction data from the

data source and generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions. Again, as discussed above, the Dunn reference never discloses using a set of rules to modify transaction data to generate a second statement of financial transactions. In the Dunn reference, an individual or business maintains a listing of financial transactions. Column 6, lines 28-31. During the reconciliation process, the financial transactions are retrieved and compared to the summary statement provided by the bank. See Column 6, lines 41-64. At no time does the Dunn reference disclose modifying the individual or business's financial transaction data using a set of rules. Instead, the Dunn reference only discloses comparing the raw transaction data collected by a merchant to a summary statement provided by a bank. Accordingly, the Dunn reference fails to disclose retrieving the copy of the transaction data from the data source and generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions. The Dunn reference does not teach or suggest wherein the discrepancy includes different total transaction amounts resulting from the first set of rules and second set of rules using different exchange rates. In making the rejection, the Examiner asserts that the claim limitation is disclosed by column 3, lines 41-50 and 50-53 of the Dunn reference. The cited portion of the Dunn reference, however, never discusses a discrepancy resulting from differing exchange rates in two different sets of rules. In fact, the cited portions of the Dunn reference only mention "unmatched records" with no discussion of possible causes of the unmatched records. Column 3, lines 52-53. Furthermore, as discussed above, the Dunn reference never discloses the application of sets of rules to modify transaction data. Accordingly, the Dunn reference fails to disclose discrepancies between statements of financial transaction data that result from the application of rule sets using different exchange rates. In light of the foregoing, claim 1 is believed to patentably distinguish over the Dunn reference. Claims 2-5 and 7-9 are believed to be in condition for allowance as each is dependent from an allowable base claim.

1. The Examiner does not find this argument to be persuasive and discusses the argument in detail below:

The Examiner wishes to clarify and better point out where within the Dunn reference such material claimed in the instant application can be found to teach such limitations on appeal. Please see the chart below.

CLAIM & LIMITATION	REFERENCE
	Dunn et al. (5,134,564)
	teaches this limitation at:
1	
receiving transaction data from a bank;	Abstract; Figure 1
storing a copy of the transaction data in a data source;	Figure 1
transmitting the transaction data to a credit card association;	Column 1, Line 28-Column 3, Line 51
receiving a first statement of financial transactions generated according to a first set of rules from the credit card association;	Figures 1-2
retrieving the copy of the transaction data from the data source;	Figures 1-3
generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions;	Figures 1-3; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65
and comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions, the discrepancy including different total transaction amounts resulting from the first set of rules and second set of rules using different exchange rates	Figures 2-3; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims
10	
receiving transaction data from a first financial institution;	Abstract; Figure 1
storing a copy of the transaction data in a data source;	Figure 1

transmitting the transaction data to a second financial institution;	Column 1, Line 28-Column 3, Line 51
receiving a first statement of financial transactions generated according to a first set of rules from the second financial institution;	Figures 1-2
retrieving the copy of the transaction data from the data source;	Figures 1-3
generating a second statement of financial transactions from the copy of the transaction data using a second set of rules;	Figures 1-3; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65
comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions, the discrepancy being selected from the group consisting of differing total transaction amounts, differing interchange fees, differing exchange rates, differing amounts of a single transaction, differing transaction dates, and differing transaction merchants;	Figures 2-3; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims
and determining causation of the discrepancy between the first statement of financial transactions and the second statement of financial transactions	Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65
16	
a communication link to a bank to receive transaction data;	Abstract; Figures 1-2
a data source for storing a copy of the transaction data;	Figure 1
a communication link to a credit card association to transmit the transaction data and to receive a first statement of credit card transactions generated using a first set of rules, wherein the data processing center retrieves the copy of the transaction data from the data source and generates a second statement of credit card transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of credit card transactions and compares the second statement of credit card transactions to the first statement of credit card transactions to identify discrepancy between the first statement of credit card transactions and the	Figures 1-3; Column 1, Line 28-Column 3, Line 51; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims

second statement of credit card transactions	
21	
Means for receiving transaction data from a bank;	Abstract; Figure 1
Means for storing a copy of the transaction data in a data source;	Figure 1
Means for transmitting the transaction data to a credit card association;	Column 1, Line 28-Column 3, Line 51
Means for receiving a first statement of financial transactions generated according to a first set of rules from the credit card association;	Figures 1-2
Means for retrieving the copy of the transaction data from the data source;	Figures 1-3
Means for generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions;	Figures 1-3; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65
And means for comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions	Figures 2-3; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims

Dunn shows the reconciliation of two lists [statements] via prices [exchange rates] as it were (Dunn: Abstract; Figures 1-2; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims). The match rules and affiliated match scores within Dunn relate or correspond to those of the instant application (Dunn: Column 7, Line 5-Column 10, Line 65). Thus, the system of Dunn does utilize rules by either the merchant or bank that result in a transaction listing having differing total amounts or including additional fees and charges (Dunn: Column 7, Line 5-Column 10,

Line 65). In addition, the system of Dunn provides for discrepancy analysis of the lists

of data using match rules. Furthermore the system of Dunn does more than just detect

credit and debit discrepancies but allows for the verification of discrepancies resulting

from inaccurate fees and/or service charges (Dunn: Column 7, Line 5-Column 8, Line

11).

2. Claim 10 is patentable over prior art reference Dunn

The Final Office Action rejected claim 10 under 35 U.S.C. 102(b) as being unpatentable
over Dunn. Appellants respectfully traverse the rejection and submit the following
arguments in favor of reversal of the rejection and allowance of the claim. In Appellants'
response dated February 1, 2008, claim I0 was amended to more clearly distinguish
over the prior art references. Claim i0 recites a method of performing account
reconciliation of financial transactions comprising receiving transaction data from a first
financial institution, storing a copy of the transaction data in a data source, transmitting
the transaction data to a second financial institution, and receiving a first statement of
financial transactions generated according to a first set of rules from the second
financial institution. The method includes retrieving the copy of the transaction data from
the data source, generating a second statement of financial transactions from the copy
of the transaction data using a second set of rules, and comparing the second
statement of financial transactions to the first statement of financial transactions to
identify discrepancy between the first statement of financial transactions and the second
statement of financial transactions. The discrepancy is selected from the group
consisting of differing total transaction amounts, differing interchange fees, differing
exchange rates, differing amounts of a single transaction, differing transaction dates,
and differing transaction merchants. The method includes determining causation of the
discrepancy between the first statement of financial transactions and the second
statement of financial transactions. In the Office Action, the Examiner asserts that claim
10 is anticipated by the Dunn reference. The Dunn reference describes a system and

method for reconciling a list of records generated by a bank and a second list of records provided by a bank customer. In the system, an individual or merchant first uses a computer system to maintain a record of financial transactions. Column 6, lines 28-31. After executing each transaction, the merchant transmits a record of the transaction to the merchant's bank. The merchant's bank receives the transaction and updates the merchant's account accordingly. Column 5, lines 55-58. Periodically, the bank transmits a statement to the merchant. The statement includes a summary listing of all transactions received by the bank and shows changes to the merchant's account based upon those transactions. Column 5, lines 61-66. In the Dunn reference, the reconciliation system retrieves both the merchant's own transaction records and the listing provided by the bank, and then compares the transaction records to find discrepancies. Column 6, lines 58-61. If a discrepancy is found, the system "displays a bank statement record on a screen along with the closest match found. The user chooses among several potential courses of action to resolve the discrepancy." Column 7, lines 61-64. Accordingly, the Dunn reference allows a merchant to compare its list of executed business transactions to a summary of the corresponding account transactions performed by the merchant's bank. The system never performs additional analysis or modification of the transaction records during operation. Similarly, the system never accounts for differing rules used by either the merchant or the bank that may result in a transaction listing having different total amounts or including additional fees and charges. In the present system, however, the financial transaction data is received and manipulated in accordance with at least two different sets of rules before discrepancy analysis. In one embodiment, as supported by the specification, the transaction data is transmitted to a credit card association. After receiving the transaction data, the credit card association modifies the data in accordance with a first set of rules. The credit card association's rules define how the association handles transactions and assesses various fees and charges related to the credit card services. For example, the rules may require that a particular fee be assessed if the volume of transactions performed by a particular customer is beneath a particular threshold. Alternatively, the rules may require the assessment of certain fees for the credit card

association performing currency exchanges. After modification, as described in the specification, the resulting statement of financial transactions may include a listing of (l) sales of goods and services, (2) credits, (3) interchange fees, (4) charge-backs, and (5) representments. See page 47, line 33 - page 48, line 1. The system also generates a second statement of financial transactions by applying a second set of rules to the original transaction data. The second set of rules need not be provided by the credit card association, but is consistent with the published policies and practices of the credit card association and any contract agreement between the customer and the credit card association. Having received the first financial statement from the credit card association and having generated a second financial statement using a second set of rules, the system compares the two resulting financial statements to find discrepancies. In the present system, therefore, detected discrepancies include not only account credit and debit errors - the only errors detected by the Dunn system – but also discrepancies resulting from the credit card association failing to execute a transaction in accordance with its stated rules and policies, possibly by assessing inaccurate fees or service charges.   Accordingly, the present system is configured to detect discrepancies resulting from more than just the clerical errors described by the Dunn reference. Unlike the Dunn reference, which only compares account debits and credits to a list of records maintained by an individual or merchant, the present system verifies the accurate assessment of non-transaction related fees and charges. By independently creating a statement of financial transactions using a rule set consistent with the published policies of the financial institution, the present system can verify that the financial institution is accurately operating in accordance with its own stated policies. Even if the transactions (i.e., credits and debits) executed by the financial institution are accurate, errors may still exist in the form of incorrect exchange rates, inaccurate interchange fees, or inappropriate assessment of other operating or service charges. The Dunn reference cannot detect these errors. The Dunn reference never discloses the application of a set of rules to determine whether non-transaction-related fees have been correctly assessed. The Dunn reference can only verify that a particular debit or credit has been applied to a customer's bank account – it never inspects or otherwise

detects discrepancies in other charges or fees. With specific reference to claim 10, the Dunn reference does not teach or suggest transmitting the transaction data to a second financial institution and receiving a first statement of financial transactions generated according to a first set of rules from the second financial institution. As discussed above, the Dunn reference only discloses receiving a listing of account transactions from a bank. See Abstract. In the reference, the bank never applies its own rules to the financial transaction data to generate a first statement of financial transactions. In fact, as described by the Dunn reference, the bank simply receives transactions from the individual or business and then debits or credits a bank account accordingly. As illustrated in FIG. 1 of the reference, the bank receives a listing of transactions and executes them. At the end of the statement cycle, the debits and credits applied to the individual or business's account are summarized in a summary statement and transmitted to the customer. See column 4, lines 55-66. As shown on FIG. 1, after executing and storing the records of bank account transactions, the summary is generated by simply extracting the same records that were originally received from the bank customer. See FIG. 1. Throughout the reference, the summary statement of the Dunn reference only summarizes the debits and credits applied to the customer's bank account. The summary statement never includes additional fees or service charges and is never generated through the application of a set of rules to the transaction data. Accordingly, at no time does the Dunn reference disclose transmitting the transaction data to a second financial institution and receiving a first statement of financial transactions generated according to a first set of rules from the second financial institution as required by the present claim. The Dunn reference does not teach or suggest retrieving the copy of the transaction data from the data source and generating a second statement of financial transactions from the copy of the transaction data using a second set of rules. Again, as discussed above, the Dunn reference never discloses using a set of rules to modify transaction data to generate a second statement of financial transactions. In the Dunn reference, an individual or business maintains a listing of financial transactions. Column 6, lines 28-31. During the reconciliation process, the financial transactions are retrieved and compared to the summary statement

provided by the bank. See Column 6, lines 41-64. At no time does the Dunn reference disclose modifying the individual or business's financial transaction data using a set of rules. Instead, the Dunn reference only discloses comparing the raw transaction data collected by a merchant to a summary statement provided by a bank. Accordingly, the Dunn reference fails to disclose retrieving the copy of the transaction data from the data source and generating a second statement of financial transactions from the copy of the transaction data using a second set of rules. In light of the foregoing, claim 10 is believed to patentably distinguish over the Dunn reference. Claims 11-15 are believed to be in condition for allowance as each is dependent from an allowable base claim.

2. The Examiner does not find this argument persuasive, and discusses the argument in detail below:

Dunn shows the reconciliation of two lists [statements] via prices [exchange rates] as it were (Dunn: Abstract; Figures 1-2; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims). The match rules and affiliated match scores within Dunn relate or correspond to those of the instant application (Dunn: Column 7, Line 5-Column 10, Line 65). Thus, the system of Dunn does utilize rules by either the merchant or bank that result in a transaction listing having differing total amounts or including additional fees and charges (Dunn: Column 7, Line 5-Column 10, Line 65). In addition, the system of Dunn provides for discrepancy analysis of the lists of data using match rules. Furthermore the system of Dunn does more than just detect credit and debit discrepancies but allows for the verification of discrepancies resulting from inaccurate fees and/or service charges (Dunn: Column 7, Line 5-Column 8, Line 11).

3. Claim 16 is patentable over prior art reference Dunn

The Final Office Action rejected claim 16 under 35 U.S.C. 102(b) as being unpatentable over Dunn. Appellants respectfully traverse the rejection and submit the following arguments in favor of reversal of the rejection and allowance of the claim. In Appellants' response dated February 1, 2008, claim 16 was amended to more clearly distinguish over the prior art references. Claim 16 recites a credit card processing system comprising a data processing center having a communication link to a bank to receive transaction data, a data source for storing a copy of the transaction data, and a communication link to a credit card association to transmit the transaction data and to receive a first statement of credit card transactions generated using a first set of rules. The data processing center retrieves the copy of the transaction data from the data source and generates a second statement of credit card transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of credit card transactions, and compares the second statement of credit card transactions to the first statement of credit card transactions to identify discrepancy between the first statement of credit card transactions and the second statement of credit card transactions. In the Office Action, the Examiner asserts that claim 16 is anticipated by the Dunn reference. The Dunn reference describes a system and method for reconciling a list of records generated by a bank and a second list of records provided by a bank customer. In the system, an individual or merchant first uses a computer system to maintain a record of financial transactions. Column 6, lines 28-31. After executing each transaction, the merchant transmits a record of the transaction to the merchant's bank. The merchant's bank receives the transaction and updates the merchant's account accordingly. Column 5, lines 55-58. Periodically, the bank transmits a statement to the merchant. The statement includes a summary listing of all transactions received by the bank and shows changes to the merchant's account based upon those transactions. Column 5, lines 61-66. In the Dunn reference, the reconciliation system retrieves both the merchant's own transaction records and the listing provided by the bank, and then compares the transaction records to find discrepancies. Column 6, lines 58-61. If a discrepancy is found, the system "displays a bank statement record on a screen along with the closest match found. The user

chooses among several potential courses of action to resolve the discrepancy." Column 7, lines 61-64. Accordingly, the Dunn reference allows a merchant to compare its list of executed business transactions to a summary of the corresponding account transactions performed by the merchant's bank. The system never performs additional analysis or modification of the transaction records during operation. Similarly, the system never accounts for differing rules used by either the merchant or the bank that may result in a transaction listing having different total amounts or including additional fees and charges. In the present system, however, the financial transaction data is received and manipulated in accordance with at least two different sets of rules before discrepancy analysis. In one embodiment, as supported by the specification, the transaction data is transmitted to a credit card association. After receiving the transaction data, the credit card association modifies the data in accordance with a first set of rules. The credit card association's rules define how the association handles transactions and assesses various fees and charges related to the credit card services. For example, the rules may require that a particular fee be assessed if the volume of transactions performed by a particular customer is beneath a particular threshold. Alternatively, the rules may require the assessment of certain fees for the credit card association performing currency exchanges. After modification, as described in the specification, the resulting statement of financial transactions may include a listing of (l) sales of goods and services, (2) credits, (3) interchange fees, (4) charge-backs, and (5) representments. See page 47, line 33 - page 48, line 1. The system also generates a second statement of financial transactions by applying a second set of rules to the original transaction data. The second set of rules need not be provided by the credit card association, but is consistent with the published policies and practices of the credit card association and any contract agreement between the customer and the credit card association. Having received the first financial statement from the credit card association and having generated a second financial statement using a second set of rules, the system compares the two resulting financial statements to find discrepancies. In the present system, therefore, detected discrepancies include not only account credit and debit errors - the only errors detected by the Dunn system – but also discrepancies

resulting from the credit card association failing to execute a transaction in accordance with its stated rules and policies, possibly by assessing inaccurate fees or service charges.   Accordingly, the present system is configured to detect discrepancies resulting from more than just the clerical errors described by the Dunn reference. Unlike the Dunn reference, which only compares account debits and credits to a list of records maintained by an individual or merchant, the present system verifies the accurate assessment of non-transaction related fees and charges. By independently creating a statement of financial transactions using a rule set consistent with the published policies of the financial institution, the present system can verify that the financial institution is accurately operating in accordance with its own stated policies. Even if the transactions (i.e., credits and debits) executed by the financial institution are accurate, errors may still exist in the form of incorrect exchange rates, inaccurate interchange fees, or inappropriate assessment of other operating or service charges. The Dunn reference cannot detect these errors. The Dunn reference never discloses the application of a set of rules to determine whether non-transaction-related fees have been correctly assessed. The Dunn reference can only verify that a particular debit or credit has been applied to a customer's bank account – it never inspects or otherwise detects discrepancies in other charges or fees. With specific reference to claim 16, the Dunn reference does not teach or suggest a communication link to a credit card association to transmit the transaction data and to receive a first statement of credit card transactions generated using a first set of rules. As discussed above, the Dunn reference only discloses receiving a listing of account transactions from a bank. See Abstract. In the reference, the bank never applies its own rules to the financial transaction data to generate a first statement of financial transactions. In fact, as described   by   the   Dunn   reference,   the   bank   simply   receives transactions from the individual or business and then debits or credits a bank account accordingly. As illustrated in FIG. 1 of the reference, the bank receives a listing of transactions and executes them. At the end of the statement cycle, the debits and credits applied to the individual or business's account are summarized in a summary statement and transmitted to the customer. See column 4, lines 55-66. As shown on

FIG. 1, after executing and storing the records of bank account transactions, the summary is generated by simply extracting the same records that were originally received from the bank customer. See FIG. 1. Throughout the reference, the summary statement of the Dunn reference only summarizes the debits and credits applied to the customer's bank account. The summary statement never includes additional fees or service charges and is never generated through the application of a set of rules to the transaction data. Accordingly, at no time does the Dunn reference disclose a communication link to a credit card association to transmit the transaction data and to receive a first statement of credit card transactions generated using a first set of rules as required by the present claim. The Dunn reference does not teach or suggest wherein the data processing center retrieves the copy of the transaction data from the data source and generates a second statement of credit card transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of credit card transactions. Again, as discussed above, the Dunn reference never discloses using a set of rules to modify transaction data to generate a second statement of financial transactions. In the Dunn reference, an individual or business maintains a listing of financial transactions. Column 6, lines 28-31. During the reconciliation process, the financial transactions are retrieved and compared to the summary statement provided by the bank. See Column 6, lines 41-64. At no time does the Dunn reference disclose modifying the individual or business's financial transaction data using a set of rules. Instead, the Dunn reference only discloses comparing the raw transaction data collected by a merchant to a summary statement provided by a bank. Accordingly, the Dunn reference fails to disclose wherein the data processing center retrieves the copy of the transaction data from the data source and generates a second statement of credit card transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of credit card transactions. In light of the foregoing, claim 16 is believed to patentably distinguish over the Dunn reference. Claims 17-20 are believed to be in condition for allowance as each is dependent from an allowable base claim.

3. The Examiner does not find this argument to be persuasive and discusses the argument in detail below:

Dunn shows the reconciliation of two lists [statements] via prices [exchange rates] as it were (Dunn: Abstract; Figures 1-2; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims). The match rules and affiliated match scores within Dunn relate or correspond to those of the instant application (Dunn: Column 7, Line 5-Column 10, Line 65). Thus, the system of Dunn does utilize rules by either the merchant or bank that result in a transaction listing having differing total amounts or including additional fees and charges (Dunn: Column 7, Line 5-Column 10, Line 65). In addition, the system of Dunn provides for discrepancy analysis of the lists of data using match rules. Furthermore the system of Dunn does more than just detect credit and debit discrepancies but allows for the verification of discrepancies resulting from inaccurate fees and/or service charges (Dunn: Column 7, Line 5-Column 8, Line 11).

4. Claim 21 is patentable over prior art reference Dunn

The Final Office Action rejected claim 21 under 35 U.S.C. 102(b) as being unpatentable over Dunn. Appellants respectfully traverse the rejection and submit the following arguments in favor of reversal of the rejection and allowance of the claim. In Appellants' response dated February 1, 2008, claim 21 was amended to more clearly distinguish over the prior art references. Claim 21 recites a computer based system for reconciling financial transactions comprising means for receiving transaction data from a bank, means for storing a copy of the transaction data in a data source, and means for transmitting the transaction data to a credit card association. The system includes means for receiving a first statement of financial transactions generated according to a first set of rules from the credit card association, means for retrieving the copy of the

transaction data from the data source, and means for generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions. The system includes means for comparing the second statement of financial transactions to the first statement of financial transactions to identify discrepancy between the first statement of financial transactions and the second statement of financial transactions. In the Office Action, the Examiner asserts that claim 21 is anticipated by the Dunn reference. The Dunn reference describes a system and method for reconciling a list of records generated by a bank and a second list of records provided by a bank customer. In the system, an individual or merchant first uses a computer system to maintain a record of financial transactions. Column 6, lines 28-31. After executing each transaction, the merchant transmits a record of the transaction to the merchant's bank. The merchant's bank receives the transaction and updates the merchant's account accordingly. Column 5, lines 55-58. Periodically, the bank transmits a statement to the merchant. The statement includes a summary listing of all transactions received by the bank and shows changes to the merchant's account based upon those transactions.   Column 5, lines 61-66. In the Dunn reference, the reconciliation system retrieves both the merchant's own transaction records and the listing provided by the bank, and then compares the transaction records to find discrepancies. Column 6, lines 58-61. If a discrepancy is found, the system "displays a bank statement record on a screen along with the closest match found. The user chooses among several potential courses of action to resolve the discrepancy." Column 7, lines 61-64. Accordingly, the Dunn reference allows a merchant to compare its list of executed business transactions to a summary of the corresponding account transactions performed by the merchant's bank. The system never performs additional analysis or modification of the transaction records during operation. Similarly, the system never accounts for differing rules used by either the merchant or the bank that may result in a transaction listing having different total amounts or including additional fees and charges. In the present system, however, the financial transaction data is received and manipulated in accordance with at least two different sets of rules before

discrepancy analysis. In one embodiment, as supported by the specification, the transaction data is transmitted to a credit card association. After receiving the transaction data, the credit card association modifies the data in accordance with a first set of rules. The credit card association's rules define how the association handles transactions and assesses various fees and charges related to the credit card services. For example, the rules may require that a particular fee be assessed if the volume of transactions performed by a particular customer is beneath a particular threshold. Alternatively, the rules may require the assessment of certain fees for the credit card association performing currency exchanges. After modification, as described in the specification, the resulting statement of financial transactions may include a listing of (l) sales of goods and services, (2) credits, (3) interchange fees, (4) charge-backs, and (5) representments. See page 47, line 33 - page 48, line 1. The system also generates a second statement of financial transactions by applying a second set of rules to the original transaction data. The second set of rules need not be provided by the credit card association, but is consistent with the published policies and practices of the credit card association and any contract agreement between the customer and the credit card association. Having received the first financial statement from the credit card association and having generated a second financial statement using a second set of rules, the system compares the two resulting financial statements to find discrepancies. In the present system, therefore, detected discrepancies include not only account credit and debit errors - the only errors detected by the Dunn system – but also discrepancies resulting from the credit card association failing to execute a transaction in accordance with its stated rules and policies, possibly by assessing inaccurate fees or service charges. Accordingly, the present system is configured to detect discrepancies resulting from more than just the clerical errors described by the Dunn reference. Unlike the Dunn reference, which only compares account debits and credits to a list of records maintained by an individual or merchant, the present system verifies the accurate assessment of non-transaction related fees and charges. By independently creating a statement of financial transactions using a rule set consistent with the published policies of the financial institution, the present system can verify that the financial institution is

accurately operating in accordance with its own stated policies. Even if the transactions (i.e., credits and debits) executed by the financial institution are accurate, errors may still exist in the form of incorrect exchange rates, inaccurate interchange fees, or inappropriate assessment of other operating or service charges. The Dunn reference cannot detect these errors. The Dunn reference never discloses the application of a set of rules to determine whether non-transaction-related fees have been correctly assessed. The Dunn reference can only verify that a particular debit or credit has been applied to a customer's bank account - it never inspects or otherwise detects discrepancies in other charges or fees. With specific reference to claim 21, the Dunn reference does not teach or suggest means for transmitting the transaction data to a credit card association, and means for receiving a first statement of financial transactions generated according to a first set of rules from the credit card association. As discussed above, the Dunn reference only discloses receiving a listing of account transactions from a bank. See Abstract. In the reference, the bank never applies its own rules to the financial transaction data to generate a first statement of financial transactions. In fact, as described by the Dunn reference, the bank simply receives transactions from the individual or business and then debits or credits a bank account accordingly. As illustrated in FIG. 1 of the reference, the bank receives a listing of transactions and executes them. At the end of the statement cycle, the debits and credits applied to the individual or business's account are summarized in a summary statement and transmitted to the customer. See column 4, lines 55-66. As shown on FIG. 1, after executing and storing the records of bank account transactions, the summary is generated by simply extracting the same records that were originally received from the bank customer. See FIG. 1. Throughout the reference, the summary statement of the Dunn reference only summarizes the debits and credits applied to the customer's bank account. The summary statement never includes additional fees or service charges and is never generated through the application of a set of rules to the transaction data. Accordingly, at no time does the Dunn reference disclose means for transmitting the transaction data to a credit card association, and means for receiving a first statement of financial transactions generated according to a first set of rules from

the credit card association as required by the present claim. The Dunn reference does not teach or suggest means for retrieving the copy of the transaction data from the data source, and means for generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions. Again, as discussed above, the Dunn reference never discloses using a set of rules to modify transaction data to generate a second statement of financial transactions. In the Dunn reference, an individual or business maintains a listing of financial transactions. Column 6, lines 28-31. During the reconciliation process, the financial transactions are retrieved and compared to the summary statement provided by the bank. See Column 6, lines 41-64. At no time does the Dunn reference disclose modifying the individual or business's financial transaction data using a set of rules. Instead, the Dunn reference only discloses comparing the raw transaction data collected by a merchant to a summary statement provided by a bank. Accordingly, the Dunn reference fails to disclose means for retrieving the copy of the transaction data from the data source, and means for generating a second statement of financial transactions from the copy of the transaction data using a second set of rules consistent with the first set of rules used to generate the first statement of financial transactions. In light of the foregoing, claim 21 is believed to patentably distinguish over the Dunn reference. Claims 22-24 are believed to be in condition for allowance as each is dependent from an allowable base claim.

4. The Examiner does not find this argument to be persuasive and discusses the argument in detail below:

Dunn shows the reconciliation of two lists [statements] via prices [exchange rates] as it were (Dunn: Abstract; Figures 1-2; Column 2, Line 37-Column 5, Line 32; Column 7, Line 5-Column 10, Line 65; See Claims). The match rules and affiliated match scores within Dunn relate or correspond to those of the instant application (Dunn: Column 7, Line 5-Column 10, Line 65). Thus, the system of Dunn does utilize rules by

either the merchant or bank that result in a transaction listing having differing total amounts or including additional fees and charges (Dunn: Column 7, Line 5-Column 10, Line 65). In addition, the system of Dunn provides for discrepancy analysis of the lists of data using match rules. Furthermore the system of Dunn does more than just detect credit and debit discrepancies but allows for the verification of discrepancies resulting from inaccurate fees and/or service charges (Dunn: Column 7, Line 5-Column 8, Line 11).

(11) Related Proceeding(s) Appendix

Appellant currently has an appeal pending for related application number 10/370,676. No decision by the Board has been rendered on the 10/370,676 appeal. Additionally, there are no interferences pending related to the present application.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within TWO MONTHS from the date of this answer exercise one of the following two options to avoid sua sponte dismissal of the appeal as to the claims subject to the new ground of rejection:

(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be

entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/BENJAMIN S. FIELDS/
Patent Examiner, Art Unit 3692

TC DIRECTOR //

Conferees:

Kambiz Abdi /K.A./
Supervisory Patent Examiner, Art Unit 3692

Vincent Millin /VM/
Appeals Conference Specialist

/Wynn W. Coggins/
Director, TC 3600